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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,074	09/21/2000	Bret Alden Greenstein	AUS9-2000-0384-US1	8919

35525 7590 11/15/2004

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EXAMINER

WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,074

Applicant(s)

GREENSTEIN ET AL.

Examiner

Michael Y Won

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-29, 43-51, 53 and 54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-29, 43-51, 53 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)* | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on October 12, 2004, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 21-29, 43-51, 53 and 54 have been examined and are pending with this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-27, 43-49 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsui et al. (US 5,956,028 A) in view of Dawson (US 5,727,155 A).

INDEPENDENT:

As per claims 21, 43, and 53, Matsui teaches a method, an apparatus, and a computer program product, in a computer readable medium of a data processing system, comprising: rendering a three-dimensional environment on a client computer associated with a first participant to form a rendered three-dimensional environment (see col.1, lines 19-24; col.4, line 64 to col.5, line 6; col.11, lines 31-45); receiving shared data from a client computer associated with a second participant (see col.1, lines 50-57; col.12, lines 11-18; col.12, line 59 to col.13, line 14; and col.13, lines 40-43), wherein the shared data includes information to be shared between the second participant and the first participant (see abstract; col.1, lines 61-64; col.5, lines 20-22; col.13, lines 19-36; and col.14, lines 43-45); and displaying a virtual representation of the shared data in the rendered three-dimensional environment on the client computer associated with the first participant (see col.2, lines 42-43; col.10, lines 61-65; and col.14, lines 53-57).

Matsui does not explicitly teach of the shared data includes access control information indicating an access control level for the first participant and displaying based on the access control level of the first participant. Dawson teaches of shared data including access control information indicating an access control level for the first participant (see abstract and col.2, lines 5-17) and displaying based on the access control level of the first participant (see col.2, lines 38-43). It would have been obvious

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to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Dawson within the system of Matsui by implementing access control within the data processing method, apparatus, and program because Dawson teaches that in a shared (see title) environment, "relinquishing complete control" may be "detrimental" because it allows the participant to have access to information and make modifications to applications that the host or server might not want the participant to have or make such as in proprietary applications and/or data. Dawson further adds other motivation for including access control (see col.1, line 54 to col.2, line 26).

DEPENDENT:

As per claims 22 and 44, Matsui does not explicitly teach of an access control level comprising one of ownership, authorship, viewership, monitorship, and blind. Dawson further teaches wherein the access control level is one of ownership, authorship, viewership, monitorship, and blind (see col.2, lines 1-3; col.8, lines 25-30; and claim 21 motivation above).

As per claims 23 and 45, Matsui further teaches of receiving a request to modify the shared data (see col.1, lines 46-50), but he does not explicitly teach determining whether the first participant has a sufficient access control level. Dawson teaches of determining whether the first participant has a sufficient access control level (implicit: see claim 21 rejection above).

As per claims 24 and 46, Dawson further teaches of modifying the shared data if the first participant has sufficient access control level (see col.1, lines 46-50).

As per claims 25 and 47, Matsui further teaches of generating a shared data update event indicating the modification (implicit: see col.5, lines 20-30 and col.11, lines 61-65); and sending the shared data update event to at least one other participant (see col.1, lines 50-53).

As per claims 26 and 48, Dawson further teaches of notifying the first participant of insufficient access control if the first participant does not have a sufficient access control level (see col.12, lines 8-13).

As per claims 27 and 49, Matsui teach of further comprising: receiving a shared data update event indicating a modification to the shared data; modifying the shared data according to the shared data update event to form modified data; and displaying a modified representation of the modified data in the rendered three-dimensional environment based on the access control level of the first participant (see claim 17 and claim 21 rejections above).

4. Claims 28, 50 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benman, Jr. (US 5,966,130 A) in view of Kirk et al. (US 6,175,842 B1).

As per claims 28, 50, and 54, Benman, Jr. teaches a method, an apparatus, and a computer program product, in a computer readable medium of a data processing system, comprising: presenting a graphical user interface on a client computer associated with a first participant (see col.2, lines 43-48); rendering a three-dimensional environment from the perspective of the first participant in the graphical user interface to form a rendered three-dimensional environment (see col.2, lines 56-57), the

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three-dimensional environment including an avatar (see col.5, lines 19-23); receiving a selection, in the graphical user interface (see col.5, lines 25-31), of a file to be transferred from the client computer associated with the first participant (see col.2, lines 53-67); and transferring the file to a client computer associated with the second participant (implicit: see abstract; "Thus, one user may virtually walk into the office of another worker and have face to face meeting while viewing and editing a common document").

Benman, Jr. does not explicitly teach wherein the avatar represents a second participant and receiving a selection of the avatar from the first participant. Kirk teaches of an avatar representing a second participant and of receiving a selection of the avatar from the first participant (see col.3, lines 10-22 and col.8, lines 13-22 & 34-37). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Kirk within the system of Benman, Jr. by implementing representing each user as avatars to other users and receiving a selection of the avatar within the data processing method, apparatus, and program product because Benman, Jr. teaches of a three dimensional office (see col.2, lines 56-57) wherein "the user may participate in conferences and meetings" in "interactive mode" (see col.6, lines 36-38) and Kirk teaches of a "virtual meeting room (see col.11, lines 28-30). Therefore, if plurality of users were joined within a virtual environment, avatars identify each user of the meeting and the selection thereof allows for directing communication to that particular user.

5. Claims 29 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benman, Jr. (US 5,966,130 A) and Kirk et al. (US 6,175,842 B1) and further in view of Dawson (US 5,727,155 A).

As per claims 29 and 51, Benman, Jr. and Kirk do not teach of further comprising: sending a transfer request to the second participant; receiving an acceptance from the second participant; wherein the step of transferring the file to a client computer is performed in response to receiving the acceptance. Dawson teaches of sending a transfer request to the second participant (see col.2, lines 5-10); receiving an acceptance from the second participant (see col.11, lines 40-44); wherein the step of transferring the file to a client computer is performed in response to receiving the acceptance (see col.11, lines 40-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Dawson within the system of Benman, Jr. and Kirk by implementing transferring the file after receiving a response from a request to send within the method, apparatus, and computer program product of the data processing system because such an implementation allows the user of the receiving device to have control over what data to receives.

Response to Arguments

6. In response to applicant's argument presented in the Appeal Brief, that there is no suggestion to combine the references, the examiner recognizes that obviousness

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can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, it is true that Matsui teaches objects in the virtual space are “*shared among all participants*”. Matsui further teaches “Each client computer 10 displays the virtual space according to the VMRL file, and also displays in inside of the virtual space the object capable of updating the property data by the manipulation of user. The host computer 100 manages the property data (position, shape, speech text, ect.) of the object changed by the operation inputted by the user at each client computer 10” (see abstract). Therefore, in a *shared environment* such as Matsui where data are updated by the manipulation of a user, clearly one of ordinary skill in the art would be motivated to address and implement security means such that the data remain uncorrupted and secure. Matsui need not present a problem for the motivation to apply the teachings of Dawson.

In response to applicant's argument that Dawson is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this

case, Dawson teaches of controlling a remote system's access to shared applications on a host system (see title) such as the shared application of a virtual space communication system by the host computer 100 (see abstract) of Matsui.

It is agreed that with the combination of Matsui and Dawson would result in "a virtual space communication system in which access to the host applications at the host computer system is controlled". The combination does not need to result in "a virtual space communication system in which access to objects in the virtual space is controlled for a given participant" because, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

For the reasons above, claims 21-27, 43-49 and 53 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Matsui et al. (US 5956028 A) in view of Dawson (US 5727155 A).

7. Applicant's arguments with respect to claims 28, 29, 50, 51 and 54 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 6AM-4PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Y Won



November 8, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER